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DEFECTS IN LEGISLATION.

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Every legislative body is subject to severe criticism. Not "all the gods in general synod" could give universal satisfaction in the matter of making laws. It is a delusion of the average citizen that he has more legislative wisdom than any congress or general assembly. Still, if we disregard captious criticism and the fault-finding of chronic objectors, there still remains abundant well founded complaint that our legislation, both state and national, is not attended to as well as it should be. It would seem to be a matter of the utmost importance to find the cause of this defect and to apply the remedy, if any can be found.

So far as this state is concerned it is reasonably clear that the prime causes of defective legislation are: First, the large number of bills introduced, and, second, the small opportunity there is for these bills to be thoroughly examined and discussed.

The number of bills introduced at each session of the legislature is about six times as large as the number enacted into law. There is a natural and laudable ambition on the part of most members of the legislature to signalize their service by the introduction of bills. Besides those which originate with the members many are suggested to them by constituents, who in many cases send bills already drafted, which they desire to have introduced. The publication of the doings of the general assembly seems to excite the legislative talents of a large number of citizens, and toward the closing days of the session these self-appointed solons deluge their representatives with suggestions or drafted bills. Large bodies of citizens, political, municipal, commercial, and benevolent, unite in asking for this or that change in the law, generally during the

latter half of the session. The result is that there is a vast volume of proposed legislation, which goes to the more important committees much more rapidly than it can be considered with any care. There follows, before the session is half over, a congestion of work for nearly every committee—a congestion which becomes more and more acute as the session advances until finally it becomes impossible for any committee to consider any measure with anything like thoroughness. As the day of adjournment approaches it becomes apparent that the committees are absolutely weighed down with work, and then by general consent the committees are discharged from the consideration of many bills which require careful investigation by committees. Then the calendars of both branches of the General Assembly become crowded and both houses begin holding two or three sessions daily, working from morning to midnight, passing bills with far less consideration and discussion than they deserve.

Many causes conspire to make the closing days of the session over busy. There is always a large proportion of new members in both branches. At the last session about one-third of the Senate and two-thirds of the House were newly elected. In the nature of things it requires some time for these members to get down to active participation in the work of legislation. The measures which go to the committees early in the session are usually very much discussed and considered in detail. For one cause and another the wheels of legislation move slowly until the rapid accumulation of work warns the members that they must hurry. When the hurry once begins it goes on with accelerated motion until it becomes a frantic rush.

Is it remarkable that legislation done in this fashion should sometimes be found injudicious and imperfect in form? On the contrary, is it not great cause for wonder that the defects are not more grave?

The constitutional convention saw the evil and essayed to provide a remedy. With all due respect to the convention, and entertaining special regard for the legislative committee and for the gentleman who so ably and patriotically served the state as chairman of that committee, may we not inquire whether the remedy provided by them has been adequate?

Section 50 of the constitution provides:

"No bill shall become a law unless, prior to its passage, it has been—

(a) Referred to a committee of each house, considered by such committee in session, and reported;

(b) Printed by the house, in which it originated, prior to its passage therein;

(c) Read at length on three different calendar days in each house; and unless,

(d) A yea and nay vote has been taken in each house upon its final passage, the names of the members voting for and against entered on the journal, and a majority of those voting, which shall include at least two-fifths of the members elected to each house, recorded in the affirmative."

It is further provided, that the printing and reading, or either, required in subdivisions (b) and (c) of this section, may be dispensed with in any case of emergency by a vote of four-fifths of the members voting for and against, entered on the journal. The evident aim of the constitution makers was to place impediments in the way of hasty legislation and by acquainting the members by readings with the nature of the bills upon which they were to vote. This remedy, if applied as intended, would result in endless readings and continuous roll calls. A further result would be an almost entire cessation of legislation. If the readings and roll calls were duly observed there would be little or no time for the consideration of measures in committee, or for their discussion on the floor. But the Anglo-Saxon legislator will not permit himself to be utterly annihilated by a mere constitution. Whenever, there are enough members present an emergency is declared and the constitutional reading is dispensed with. When there are not enough present for this purpose the clerk goes singing merrily through the bill, skipping anywhere from one-fourth to two-thirds. Nobody pretends to listen to the reading and nobody objects to the short cuts of the clerk. In the matter of roll calls there is the same wretched waste of time and lung power. The preliminary roll calls are responded to in a perfunctory manner, not one in ten of the members knowing what he is voting upon, or caring. As though it were not enough to consume the session of the legis-

lature with these contrivances, the constitution shortens the session to sixty days. The result is an aggravation of the very fault sought to be remedied.

The fact that the legislature may sit thirty days longer without pay amounts to nothing since not more than one legislature in a hundred years would do such a thing.

With all deference to the wisdom of the gentlemen who framed the constitution, it is submitted that the result aimed at would have been more nearly attained by allowing the legislature to sit ninety days with pay and prohibiting the introduction of bills after the first sixty days. This is the only way to prevent measures from being rushed through under high pressure at the eleventh hour. All, or nearly all, defects in laws are due to a lack of consideration and discussion of them. Whatever facilitates this consideration and discussion is a benefit, and whatever hinders it is a hinderance to legislation itself. It cannot be denied that the tremendous congestion of work toward the latter part of the session of a legislative body is in large measure responsible for the imperfections in our laws.

As long as the present system is in vogue this congestion will recur as regularly as the legislature convenes. It is inevitable and the evil consequences which follow from it will be inevitable also.

Would it not then be wise to alter the constitution in this respect? The present method has been given a thorough trial and has been found wanting. Some change should take place and that without delay.

It is not to be expected that any body of men, however able and efficient, could be as well prepared to draft a legislative regulation as the legislature itself. Individually, the legislators can have no desire to either create or maintain a system which cripples their influence and subjects them to undeserved criticism.

[To be continued in next issue.]